COURT FEE 10 Rs. INDIA TEN RUPEES

SINGLE BENCH

C.S.I. 1/ 3

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1540/2005

PETITIONER :- Dinesh Kumar Jaiswal aged about 29 years son of Balram Prasad Jaiswal, by caste- Jaiswal, R/o. Pali Road Dipika Chowki Dipika Tahsil Katghora, Distt. Korba (C.G.)

APPLICANT

VERSUS

RESPONDENT :- Smt. Poonam Devi Jaiswal, aged about 23 years, wife of Dinesh Kumar Jaiswal, daughter of Chandrika Prasad Gupta, by caste Gupta, R/o. Banki Mongra, P.S./Chowki Banki-Mongra, Tah. Katghora, District Korba (C.G.).

NON-APPLICANT

P.R. No. 1539/05 Presented by Shri O.K. Bhaduri dated 11-07-05

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

1) PARTICULARS OF THE PETITIONER

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

20

आदेश पत्रक

मामला क्रमांक WPMO.1540/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20-7-2005

Shri Malay Kumar Bhaduri, counsel for the petitioner.

Shri Awadh Tripathi, counsel for respondent.

Heard learned counsel for the parties and perused the impugned order.

At the outset, Shri Tripathi, learned counsel for respondent submitted that the order of the trial Court to the extent of award of Rs.500/- as maintenance allowance for the son is not correct for the reason that the son is residing with the petitioner herein. As far as Rs.1500/- for grant of interim maintenance to the respondent, wife of the petitioner, is concerned, this is discretionary power exercised by the trial Court and the petitioner has not been able to point out the fact that the discretionary power which was exercised by the trial Court is arbitrary or contrary to the facts and circumstances of the case, and Rs.2,000/- awarded in favour of respondent for litigation expenses also cannot be said to be arbitrary.

In the result, the writ petition is partly allowed and the impugned order to the extent of grant of Rs.500/- maintenance allowance for the maintenance of the son is quashed and for remaining part the writ petition is dismissed.

In view of this order, M.(W.)P. No.1199/2005 and I.A. No.3004/2005 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

(पीछे देखिये)

Barve